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Paper No. None

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OFFICE OF PETITIONS

In re Application of	:	
Juan Jose Legarda Ibanez	:	
Application No. 10/622,068	:	DECISION ON PETITION
Filed: July 15, 2003	:	UNDER 37 C.F.R. §1.181
Attorney Docket Number: 158235-0009	:	
Title: USE OF FLUMAZENIL IN THE	:	
PRODUCTION OF A MEDICAMENT FOR	:	
THE TREATMENT OF COCAINE	:	
DEPENDENCY	:	

This is a decision on the petition filed August 1, 2005, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The Office regrets the delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed October 17, 2003, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on December 18, 2003.

With the present petition, Petitioner has asserted that a response to this communication was submitted on December 22, 2003, along with a one-month extension of time. Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated December 22, 2003.

Petitioner has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely submitted. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The appropriate fees have been charged to Petitioner's Deposit Account, as authorized in the submission of December 22, 2003.

The Technology Center will be notified of this decision.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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